



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

Memorandum

Date: June 18, 2015

To: Fran L'Heureux, Chair, & Members, Zoning Board of Adjustment

From: Donna Pohli, Assistant Planner
Emily Edwards, Planning Intern

Subject: **Global Montello Group Corp. (petitioner) and 736 Milford Road, LLC. (owner)** – Special Exception under Section 2.02.3(C)(1) of the Zoning Ordinance to permit a gasoline station and convenience store use within the C-2 (General Commercial) and Aquifer Conservation Districts and Wellhead Protection area. Tax Map 2B, Lot 008. Case # 2015-21.

The following information is provided to aid in your consideration of the above referenced case. Additional background and application materials are included in your packet.

Background:

The subject property is an approximately 2.097 acre parcel located at 736 Milford Road in the C-2 (General Commercial) and Aquifer Conservation Districts and Wellhead Protection area. The subject property is currently vacant and was previously a restaurant. The site is serviced by public water (MVD) and sewer. The abutting properties are commercial/industrial or single family residential land use.

The petitioner is proposing to convert the site into a gasoline station and convenience store. Gasoline and automobile service and repair stations are permitted by Special Exception in the General Commercial District. The petitioner's application materials indicate that the proposed plan includes enough parking spaces (20) on the property to support the gasoline station and convenience store.

Section 2.02.11(D)(2)(b) of the Zoning Ordinance states that subsurface storage of petroleum and other refined petroleum products is permitted in Wellhead Protection areas only when the storage is located more than one thousand feet (1000') from an existing municipal well and such storage is in containment with suitable secondary barriers and with automatic alarm systems. According to the petitioner's application materials, a land survey has been conducted and has confirmed that the proposed underground storage tanks are located greater than 1000' from the existing MVD supply well located in Hollis. The proposed fuel storage and dispensing systems will be modern double-wall tanks with appropriate alarms, and other necessary features to protect against spills, leakage, fire, and other potential risks.

Standard of Review:

It is the burden of the petitioner to demonstrate that the 4 criteria for the granting of a Special Exception from Section 2.02.3(C)(1) of the Zoning Ordinance have been met:

- a) The specific site is an appropriate location for such a use or uses in terms of overall community development,

- b) The use as developed will not adversely affect the neighborhood,
- c) There will be no nuisance or serious hazard to vehicles or pedestrians, and
- d) Adequate and appropriate facilities will be provided for the proper operation of the proposed use or uses.

cc: Correspondence & Zoning Board File
ec: Global Montello Group Corp., petitioner
James J. Bianco, Jr.
Karen Soucy
736 Milford Road LLC., owner
Carol Miner and Fred Kelley, Building Department